

REMARKS/ARGUMENTS

Claims 1-14, 16-21 and 23-24 are pending in the application reconsideration and a withdrawal of all objections and rejections is hereby respectfully requested in view of the above amendments and following remarks.

The specification has been objected to for failing to include provisional application serial number in the first paragraph. Applicant has amended the specification and submits herewith the text of the amendment which is to be inserted immediately after the title of the application and contains a "Heading Cross Reference to Related Applications". In addition to the heading, the paragraph is reproduced to read

- -This application claims the benefit of U.S. Provisional Application
Serial No. 60/442,411 filed January 23, 2003, and U.S. Provisional
Application Serial No. 60/534,580 filed January 5, 2004, the teachings of all being
incorporated herein by reference. - -

Accordingly, the objection to the specification should now be obviated in view of the amendment.

The Examiner has objected to claim 16, in particular to the reference to "fore". Applicant has amended claim 16, line 3, by replacing "fore" with -- for -- . This objection is now believed to be obviated.

Claim 1-3, 5-12, 14, 17-21 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 6,189,788 ("Sherman"). Applicant has amended independent claims 1, 7, 18, 19 and 20 to include the power supply configuration feature of claim 15. For this reason the rejection is now rendered moot.

Claims 4 and 13 stand rejected under 35 U.S.C 103(a) as being unpatentable over Sherman in view of US Patent Application 2004/0143512 A1 ("Sturr"). For the same reason set forth above this rejection is respectfully moot in view of the amendments.

Claims 15 and 22 stand rejected under the 35 U.S.C. 103(a) as being unpatentable over Sherman in view of US 5,149,947 ("Collins, Jr"). Reconsideration and a withdrawal of the rejection are hereby respectfully requested.

Claim 1 has been amended to include the feature of dependent claim 15 which also appears in dependent claim 22. Claims 7, 18, 19 and 20 also have been amended to recite the power supply configuring feature.

The Examiner contends that the combination of references renders obvious to one of ordinary skill in the art at the time the invention was made the Applicant's claimed invention. Specifically, the Examiner states that it would have been obvious to incorporate the AC voltage for supplying the power to the computing device due to the fact that the internal rechargeable battery(s) are depleted/damaged one can still transport the computing device to an electrical outlet and complete his/her transaction. Applicant's invention provides an improvement which, even when combined with Collins as the Examiner proposes, is still not disclosed or suggested. Applicant's claimed invention recites the feature of:

wherein the power supplies is configured and arranged so as to output a voltage lying in a predetermined range for a standard AC voltage and wherein the computing device and peripherals thereof are configured so as to be powered by the standard AC voltage.

The Examiner interjects the statement that if internal rechargeable batteries are depleted

one can still transport the computing device to an electrical outlet. However, the improvement provided by Applicant which utilizes AC voltage to power the computing device and peripherals does not merely follow from Collins. The Examiner's reliance on Collins Jr. still fails to teach, suggest or disclose the Applicant's present invention. What Collins merely discloses is utilization of a electrical signal transfer cable (64) The cable in Collins is discussed as usable for transmitting electrical signals to a data processing system which may include the data terminal service (28) Thus a reading of Collins would not provide the suggestion, since the Collins reference, when considered for what it actually discloses, is disclosing a different means of data collection than what the Applicant claims and discloses as its invention. Applicant's invention is directed to a mobile wireless computer system that is powered by a mobile power source. It would not have been obvious to look to Collins, since Collins merely discloses a cabled scanning terminal which has a housing for placing on a cart, in particular, handles of two oppositely positioned grocery carts. Therefore, Collins, unlike the Applicant's present invention, does not relate to a mobile wireless computer system which is functional remote from fixed power sources. Collins merely provides fixed power and fixed transmission, from which one of ordinary skill in the art would not derive the teaching for which the Examiner credits Collins for providing. Collins actually teaches away from the Applicant's invention in so much that the Collins cable (64) is used for communication between the data terminal device (28).

It is only through a review of the Applicant's disclosure, and not Collins, that the teaching to configure and arrange a power supply to output a standard AC voltage to power the computing device and peripherals, in accordance with Applicant's points of activity performing device is provided. Moreover, Collins does not disclose powering the computing device and peripherals

thereof being configured to be powered by standard AC voltage in the manner disclosed and claimed by Applicant. Collins does not disclose a need, let alone a suggestion of a need to power the scanning terminal (44) other than when the scanning terminal (44) is cabled in a checkout line with the cable (64) so that it may communicate with the checkout terminal (28).

For the above reasons, Applicant's present invention, as recited in the claims, as now amended an improved device which is not taught, suggested or disclosed by the cited references, in particular, the Collins reference relied upon by the Examiner. For these reasons Applicant respectfully requests reconsideration and a withdrawal of the rejections and allowance of the pending claims.

Claim 16-17, and 23-24 stand rejected in 35 U.S.C. 103(a) as being unpatentable over Sherman as modified by Collins Jr. as applied to claims 15 and 22, and further in view of US 6,459,175 ("Potega"). This rejection is respectfully but strenuously traversed and reconsideration and withdrawal of the rejection are respectfully requested.

For the reasons set forth above, Applicant has distinguished his invention pointing to the improvement and the failure of Collins to provide the necessary teachings or suggestion. For the same reasons set forth herein, claims 16-17 and 23-24, which also through the amendment to the independent claims from which to these claims depend, contain the inventive feature, and also should be patentable. Accordingly, reconsideration and a withdrawal of the rejection of the claims are respectfully requested.

CONCLUSION

Applicant submits that the claims, as now amended contain patentable subject matter, and should be allowable. If further matters remain in connection with this case, the Examiner is invited to telephone the Applicant's undersigned representative.

If necessary, an appropriate extension of time to respond is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,

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